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8/4/04

**I. Profession:**

Attorney/Chapter 7 Bankruptcy Trustee

Admissions:

New York State Bar Association, 1984  
U.S. District Court Eastern District of New York, 1984  
U.S. District Court Southern District of New York, 1986  
U.S. Court of Appeals Second Circuit, 1997  
U.S. Supreme Court 1999  
U.S. Court of Appeals Federal Circuit, 1999  
U.S. Court of Federal Claims, 1999  
U.S. Court of Appeals for the Armed Forces, 1999

**II. Professional Organizations:**

Nassau County Bar Association Member since 1984\*  
Chairman of Bankruptcy Law Committee 1990-1992\*  
Member Grievance Committee 2002-present\*  
Member of Board of Directors 2002-present (3 year term)\*  
Former Committee Member, Finance, Long Range Planning, Pro Bono, Bylaws

Theodore Roosevelt American Inn of Court\*  
Executive Committee Member and CLE Coordinator 2002-present

Member Association of Boutique Law Firms\*  
Member International Network of Boutique Law Firms\*  
Member American Bankruptcy Institute  
Member National Association of Trustees  
Member Commercial Law League of America  
Member Nassau Lawyers Association of Long Island, Inc.

\* active member

### **III. General Professional Experience:**

Partner of the Westbury law firm of **Thaler & Gertler, LLP** 1997- present. The firm concentrates on bankruptcy related issues, commercial litigation and real estate.

Chapter 7 Panel Trustee in the Eastern District of New York 1990-present

Headed Bankruptcy Department of Goldman, Horowitz & Chernow 1985-1997

### **IV. Experience and Familiarity with Bankruptcy Law:**

Member of Mediation Register United States Bankruptcy Court Eastern District of New York

Practiced bankruptcy law exclusively 20 years representing Chapter 7 Trustees, Debtors in Chapter 7, 11 and 13, Creditors, and Creditor Committees

Presided over 11,000 Chapter 7 Cases since 1990

Represented parties in appeals to the Second Circuit and have orally argued in that court

Represented Plaintiffs and Defendants in litigation, including objections to discharge and dischargeability of debts, (fraud, matrimonial, etc.) preferences and fraudulent conveyances, contested claims objections.

Represented Banks in vacating stay, cash collateral and other proceedings

Represented Landlords to recover real property, be paid use and occupancy, resolution of administrative claims, motion to assume and/or reject commercial leases

Represented clients in connection with contested matters in Chapter 11 and 7 cases including contested offer for Debtor's assets in Chapter 11 case

Represented large cooperative corporation in connection with bankruptcy filing of owner of substantial number of units

### **V. Mediation Training:**

Nassau County Commercial Division in Collaboration with the Nassau County Bar Association Mediation Training Program December 2002 (22.5 credits)

### **VI. Mediation Experience:**

I have informally mediated matters as Chapter 7 Trustee.

**VII. Area of Expertise:**

Bankruptcy and Insolvency

**VIII. General Pertinent Business or Legal Experience:**

I have negotiated hundreds of settlements as a Chapter 7 Trustee on numerous issues and adversary proceedings.

I have served as Chapter 11 Operating Trustee.

**IX. Other Pertinent Information:**

Dean of Nassau County Bar Association's Academy of Law 2001-2002

Awarded Nassau/Suffolk Law Services, Inc. Partner in Justice Award for pro bono service to indigent (2003)

Member Advisory Council of Nassau Suffolk Law Services, Inc.

Lecturer on bankruptcy related issues including First American Title Insurance Company of New York, St. John's University Metropolitan College Tax Institute, Nassau Academy of Law, Sterling Educations Services, New York Society of Certified Public Accountants (Nassau Chapter), Interchange Credit Association.

**X. Fee Structure:**

\$300 per hour plus out of pocket and travel costs.

For individual cases where the parties cannot afford the standard fee, fees may be reduced on a case by case basis.